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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,863	07/13/2001	Kai Sjoblom	P 281544 2990051US/HS/HER	9638
909	7590	07/25/2007	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			LEE, ANDREW CHUNG CHEUNG	
		ART UNIT		PAPER NUMBER
		2616		
		MAIL DATE	DELIVERY MODE	
		07/25/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

SK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/903,863	SJOBLOM, KAI
	<b>Examiner</b>	<b>Art Unit</b>
	Andrew C. Lee	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 June 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-34 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1.) Certified copies of the priority documents have been received.  
 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Response to Amendment***

1. Claims 1 – 34 are pending.

### ***Claim Objections***

2. Claims 1 – 3, 8 – 9, 11 – 24, 26 – 34 are objected to because of the following informalities:

In claim 12, the phrase “configured to”, (line 2), is not a positive recitation.

In claim 13, the phrase “configured to”, (line 2), is not a positive recitation.

In claim 14, the phrase “configured to”, (line 2), is not a positive recitation.

In claim 15, the phrase “configured to”, (line 2), is not a positive recitation.

In claim 16, the phrase “configured to”, (line 2), is not a positive recitation.

In claim 18, the phrase “configured to”, (line 2), is not a positive recitation.

In claim 19, the phrase “configured to”, (line 2), is not a positive recitation.

In claim 20, the phrase “configured to”, (line 3), is not a positive recitation.

In claim 22, the phrase “configured to”, (line 3), is not a positive recitation.

In claim 26, the phrase “configured to”, (line 7), is not a positive recitation.

In claim 27, the phrase “configured to”, (line 2), is not a positive recitation.

In claim 28, the phrase “configured to”, (line 3), is not a positive recitation.

In claim 31, the phrase “configured to”, (line 1), is not a positive recitation.

In claim 32, the phrase “configured to”, (line 1), is not a positive recitation.

In claim 33, the phrase “configured to”, (line 1), is not a positive recitation.

In claim 1, the phrase “possible”, (line 6) is not a positive recitation.

In claim 2, the phrase "possible", (line 1) is not a positive recitation.

In claim 3, the phrase "possible", (line 2) is not a positive recitation.

In claim 8, the phrase "possible", (line 2) is not a positive recitation.

In claim 9, the phrase "possible", (line 6) is not a positive recitation.

In claim 11, the phrase "possible", (lines 5, 6) is not a positive recitation.

In claim 12, the phrase "possible", (line 2) is not a positive recitation.

In claim 13, the phrase "possible", (line 2) is not a positive recitation.

In claim 17, the phrase "possible", (line 6) is not a positive recitation.

In claim 18, the phrase "possible", (line 2) is not a positive recitation.

In claim 19, the phrase "possible", (line 2) is not a positive recitation.

In claim 21, the phrase "possible", (lines 4, 5) is not a positive recitation.

In claim 22, the phrase "possible", (line 4) is not a positive recitation.

In claim 23, the phrase "possible", (lines 6, 7) is not a positive recitation.

In claim 24, the phrase "possible", (line 1) is not a positive recitation.

In claim 26, the phrase "possible", (lines 4,5,7) is not a positive recitation.

In claim 27, the phrase "possible", (line 2) is not a positive recitation.

In claim 29, the phrase "possible", (line 3) is not a positive recitation.

In claim 30, the phrase "possible", (lines 3, 5) is not a positive recitation.

In claim 31, the phrase "possible", (lines 1, 3) is not a positive recitation.

In claim 32, the phrase "possible", (line 1) is not a positive recitation.

In claim 33, the phrase "possible", (line 1) is not a positive recitation.

In claim 34, the phrase "possible", (line 5) is not a positive recitation.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 29 is rejected under 2164.08(a) Single Means Claim.

Claim 29 is rejected under 2164.08(a) Single Means Claim. A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 31, 32, 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim hence disclosed are very ambiguous because the way that the claim written is impossible for a person skilled in art to distinguish which portion of the claim is the preamble and which portion of the claim is the claimed subject matter.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claim 34 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 34, according to page 53 of Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility "a computer readable medium having computer-executable component", claim 34 is non-statutory subject matter because the claim 23 does not have "the claimed 'computer-readable medium encoded with a computer program (or computer executable instructions)'".

***Response to Arguments***

9. Due to a lot of discrepancies in the amended claims (6/26/2007), the amended claims are not in the condition for further examination. Hence, it is improper to apply prior arts at this time to have further prosecution for the current amended claims.

### **Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan D. Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C. Lee/:<7/20/2007>

EDAN ORGAD  
PRIMARY PATENT EXAMINER

*Edan Orgad 7/23/07*